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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Confirm No. 9419

TANAKA et al

Allowed: August 13, 2002

Serial No. 08/838,910

Fee Paid: September 24, 2002

Filed: April 11, 1997

Atty. Ref.: 2018-490

Group: 1743

Examiner: Tung

For: OXYGEN CONCENTRATION DETECTOR

\* \* \* \* \*

November 7, 2002

RECEIVED

Assistant Commissioner for Patents  
Washington, DC 20231

**HAND CARRY**  
**OFFICE OF PETITIONS**

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OFFICE OF PETITIONS

**Attention: Karen Creasy.**  
**Petitions Branch**

**PETITION TO WITHDRAW FROM ISSUE UNDER 37 CFR 1.313(c)(2)**

Sir:

Petition is hereby made to withdraw the above-identified application from issue, the Issue Fee having been paid on September 24, 2002, for consideration of the attached Information Disclosure Statement. Withdrawal is necessary so that the attached Information Disclosure Statement can be considered in the concurrently filed continuing application (see, attached Request for Continuing Prosecution (RCE) Under Rule 114). The references cited in the attached Information Disclosure Statement were cited in the attached Japanese Patent Office Action dated October 8, 2002. The Official Action was received by the undersigned's office on November 6, 2002, after the issue fee was paid.

Please charge the Petition Fee set forth in 37 CFR 1.17(h) (\$130) to our Deposit Account No. 14-1140 under Order Number 2018-490. The Commissioner is hereby

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authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

It is believed that the foregoing constitutes a showing of good and sufficient reasons as to why withdrawal of this application from issue is necessary. Accordingly, it is requested that this Petition be granted. The Office is requested to contact the undersigned, however, if anything further is required in this regard.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: 

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Mailing Date: October 8, 2002

**OFFICE ACTION**

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**OFFICE OF PETITIONS**

Japanese Patent Application No. 6-340136

Date of Issue: October 2, 2002

Examiner

Agent

Pursuant to the provision of the first paragraph of Article 29, the second paragraph of Article 29, and Article 36.

The Applicant is rejected by the following reasons. Any arguments relative to this notification must be submitted in writing within 60 days from the date of transmittal of this notification.

**REASONS**

**Reason 1:**

The invention relative to the claims described later in this Application are described in the following documents before the filing date of the Application in the Japanese or foreign countries. Therefore, the invention relates to the claims may not be granted to a patent right, in accordance with Section 29, the first paragraph (iii) in the patent law.

**Cited Reference:**

1. JP-A 63-300955
2. JP-A 57-142555
3. Microfilm of JP-Utility model Application No. 3-29803 (JP-U 4-124456)
4. CD-ROM of JP-Utility model Application No. 3-53195 (JP-U 5-27660)

Reason 2:

The inventions relative to the claims described later in this Application are obvious by the person skilled in the art based on the inventions described in the following documents before the filing date of the Application in the Japan or foreign countries. Therefore, the invention relates to the claims may not be granted to a patent right in accordance with the Patent law, Section 29, second paragraph.

Cited Reference:

5. JP-A 6-235713 (More particularly, claims, paragraph [0007] , FIGS. 2 and 5, and relate parts of FIG. 2 and FIG. 5)
6. JP-A 4-370689 (More particularly, claims 1 and 2, FIGS. 1 and 2, and related parts of FIGS. 1 and 2)
7. JP-A 5-126789 (More particularly, FIG. 9, and related part of FIG. 9)
8. JP-A 5-133931 (More particularly, claims).

Reason 3:

The claims of this application fail to comply with provisions of Section 36 (5)(ii) and (6) of the patent law, with the respect to the points indicated below.

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Prior Art Document Examination Record:

Prior Art:

JP-U 60-93957  
JP-A 5-256816  
JP-A 6-188065  
JP-U 58-30866  
JP-A 57-178152

The prior art documents in the Prior Art Document Examination Record do not construct the rejection reason.